United Nations A/RES/57/286

General Assembly

Distr.: General
31 January 2003

Fifty-seventh session
Agenda item 121

Resolution adopted by the General Assembly

[*on the report of the Fifth Committee (A/57/653)*]

57/286. United Nations pension system

The General Assembly,

Recalling its resolutions 51/217 of 18 December 1996, 53/210 of 18 December 1998 and 55/224 of 23 December 2000 and section V of its resolutions 54/251 of 23 December 1999 and 56/255 of 24 December 2001,

Having considered the report of the United Nations Joint Staff Pension Board,[1] the report of the Secretary-General on the investments of the United Nations Joint Staff Pension Fund [2] and the related report of the Advisory Committee on Administrative and Budgetary Questions,[3]

Endorses the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions;[3]

I

Actuarial matters

Recalling section I of its resolution 55/224,

Having considered the results of the valuation of the United Nations Joint Staff Pension Fund as at 31 December 2001 and the observations thereon by the Consulting Actuary of the Fund, the Committee of Actuaries and the United Nations Joint Staff Pension Board,

1. *Takes note* of the actuarial situation of the United Nations Joint Staff Pension Fund, which went from an actuarial surplus of 0.36 per cent of pensionable remuneration as at 31 December 1997 to an actuarial surplus of 4.25 per cent of pensionable remuneration as at 31 December 1999, and to an actuarial surplus of 2.92 per cent of pensionable remuneration as at 31 December 2001, and, in particular, of the opinions provided by the Consulting Actuary and the Committee of Actuaries, as reproduced in annexes VII and VIII, respectively, to the report of the United Nations Joint Staff Pension Board;[1]

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[1] *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 9* (A/57/9).

[2] A/C.5/57/11.

[3] A/57/490.

2. *Also takes note* of the general support of the Board for the report of the Working Group established by the Board to undertake a fundamental review of the benefit provisions of the Fund, taking into account developments in staffing and remuneration policies in the member organizations and in pension arrangements at the national and international levels, and notes in particular that the Board approved the recommendations of the Working Group, set out in paragraphs 157 and 158 of the report of the Board,[1] as further promoting the human resources framework adopted by the International Civil Service Commission and the General Assembly and serving to enhance the mobility of staff and the portability of pensions;

3. *Further takes note* of the recommendation of the Board that the current contribution rate should be maintained but kept under review;

4. *Approves*, in principle, the changes in the benefit provisions of the Regulations of the Fund, as set out in annex XIV to the report of the Board,[1] that would eliminate the limitation on the right to restoration for existing and future participants, with implementation to begin at such time as the actuarial valuation of the Fund shows a clear upward pattern of surpluses;

5. *Notes* that the Board agreed to make no changes in the methodology currently used in the determination of final average remuneration, but agreed to study all possible means of redressing the existing aberrations in the levels of initial pensions and in income replacement ratios over time;

6. *Concurs* with the transfer agreements with the European Organization for the Safety of Air Navigation and the Organization for Security and Cooperation in Europe, as approved by the Board under article 13 of the Regulations of the Fund, with a view to securing continuity of pension rights between the Fund and the two organizations, as set out in annex X to the report of the Board;[1]

II

Pension adjustment system

Recalling section II of its resolution 55/224,

Having considered the reviews carried out by the Working Group of the United Nations Joint Staff Pension Board and subsequently by the Board, as set out in its report,[1] of various aspects of the pension adjustment system,

1. *Recalls* the aim of enhancing the mobility of staff and the portability of pensions;

2. *Approves*, in principle, the changes in the pension adjustment system, as set out in annex XIII to the report of the Board,[1] with implementation to begin when the actuarial valuation of the United Nations Joint Staff Pension Fund shows a clear upward pattern of surpluses, namely:

(*a*) To apply cost-of-living adjustments to deferred retirement benefits as from age 50;

(*b*) To apply cost-of-living differential factors to deferred retirement benefits as from the date of separation;

3. *Notes* that the Board approved the recommendation of the Working Group to eliminate the 1.5 percentage point reduction in the first consumer price index adjustment due to existing and future beneficiaries, subject to an actuarial surplus being revealed in the actuarial valuation to be performed as at 31 December 2003;

4. *Takes note* of the decision of the Board to continue to study the problems associated with the adjustment of pensions after award;

5. *Also takes note* of the results of the monitoring of the costs/savings of recent modifications of the two-track feature of the pension adjustment system and of the intention of the Board to continue to monitor those costs/savings every two years, on the occasion of the actuarial valuations of the Fund;

III

Financial statements of the United Nations Joint Staff Pension Fund and report of the Board of Auditors

Having considered the financial statements of the United Nations Joint Staff Pension Fund for the biennium ended 31 December 2001, the audit opinion and report of the Board of Auditors thereon, the information provided on the internal audits of the Fund and the observations of the United Nations Joint Staff Pension Board,[1]

Notes that, in its report on the accounts of the United Nations Joint Staff Pension Fund for the biennium ended 31 December 2001,[4] the Board of Auditors indicated that the financial statements were in compliance with accepted standard accounting principles and that there were no major findings of problems concerning procedures and controls;

IV

Administrative arrangements and longer-term objectives of the United Nations Joint Staff Pension Fund

Recalling section VII of its resolution 51/217, section V of its resolutions 52/222, 53/210 and 54/251, section IV of its resolution 55/224 and section V of its resolution 56/255 concerning the administrative arrangements and expenses of the United Nations Joint Staff Pension Fund,

Having considered chapter VII of the report of the United Nations Joint Staff Pension Board[1] concerning the administrative arrangements of the Fund,

1. *Takes note* of the information set out in paragraphs 96 and 97 of the report of the United Nations Joint Staff Pension Board[1] on the revised budget estimates for the biennium 2002–2003;

2. *Approves* the increase in resources under administrative costs for the biennium 2002–2003, from 29,943,800 to 30,006,300 United States dollars, for the recalculation of benefits due to a judgement of the International Labour Organization Tribunal and a retroactive change in local salary scales;

3. *Takes note* of the information set out in paragraphs 100 to 104 of the report of the Board[1] on the whole-office review of the staffing structure and levels of both the Fund secretariat and the Investment Management Service, and also takes note of the support and endorsement in principle of the Board for the Secretary/Chief Executive Officer's efforts and plans for modernization in order to deal with the fast-growing activities of the Fund;

4. *Also takes note* of the support of the Board for the efforts of the Secretary/Chief Executive Officer to continue to search for permanent premises for the Fund in New York;

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[4] *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 9* (A/57/9), annex XII.

V

Survivors' benefits

Recalling section V of its resolution 55/224,

Takes note of the further review undertaken by the United Nations Joint Staff Pension Board of issues related to the pension entitlements of survivors, and requests the Board to examine the administrative and financial aspects of this matter, as a whole, and report to the General Assembly thereon at its fifty-ninth session;

VI

Activities relating to former participants from the former Union of Soviet Socialist Republics, the Ukrainian Soviet Socialist Republic and the Byelorussian Soviet Socialist Republic

Recalling section VI of its resolution 55/224,

1. *Notes* the information provided by the United Nations Joint Staff Pension Board in paragraphs 125 to 140 of its report;[1]

2. *Decides* that this issue does not require further consideration by the General Assembly;

VII

Size and composition of the United Nations Joint Staff Pension Board and the Standing Committee

1. *Takes note* of the information set out in paragraphs 205 to 220 of the report of the United Nations Joint Staff Pension Board[1] on the review of the size and composition of the Board and its Standing Committee;

2. *Requests* the Board to study the representation of the Fund's member organizations on the Board, so as to clarify the criteria adopted for that purpose, and to submit further proposals to the General Assembly at its fifty-ninth session, with a view to making such representation more equitable in order to reflect the actual distribution of active participants in the Fund, present and future trends in Fund participation, the changing nature of the Fund's member organizations and improved participation by members and alternate members in the Committee and Board meetings;

VIII

Other matters

1. *Takes note* of the observations of the United Nations Joint Staff Pension Board, as set out in paragraphs 194 and 195 of its report,[1] on the review and conclusions reached by the International Civil Service Commission on the changes in average tax rates at the seven headquarters duty stations, which formed the basis for the development of the current common scale of staff assessment for pensionable remuneration;

2. *Approves*, with effect from 1 April 2003, amendments to articles 28 (*g*), 30 (*c*) and 34 (*f*), of the Regulations of the Fund, as set out in the annex to the present resolution, to increase the ceilings applicable in the commutation of the minimum benefit;

3. *Also approves*, with effect from 1 April 2003, the addition of a new paragraph to article 21 of the Regulations of the Fund, as set out in the annex to the present resolution, stating that a participant is deemed to have separated when he or she is on leave

without pay for an extended period of time without concurrent contributions having been paid to the Fund;

4. *Notes* that the Board considered the possible application by the International Criminal Court to become a member organization of the Fund and that a formal application would be submitted to the Standing Committee in 2003, with possible membership to take effect on 1 January 2004;

5. *Also notes* that the Board considered the detailed report of the medical consultant, covering the period from 1 January 2000 to 31 December 2001;

6. *Takes note* of the other matters dealt with in the report of the Board;

7. *Decides* to revert to the issue of possible improvements in pension benefits at the fifty-ninth session of the General Assembly;

IX

Investments of the United Nations Joint Staff Pension Fund

1. *Takes note* of the report of the Secretary-General on the investments of the United Nations Joint Staff Pension Fund[2] as well as the observations of the United Nations Joint Staff Pension Board, as set out in paragraphs 81 to 83 of its report;[1]

2. *Stresses* the importance of ensuring that the fiduciary responsibility of the Secretary-General, under the Regulations of the Fund, to take decisions on the investments of the assets of the Fund would under no circumstances be compromised;

3. *Notes* the concern expressed by the Board over the reduction in the market value of the investments of the Fund and the continuing efforts by the management of the investments to deal with market turbulence;

4. *Takes note* of the intention of the Board of Auditors and the Pension Board:

(*a*) To follow up on the audit recommendations;

(*b*) To review the procedures and operating methods of the Investment Management Service;

(*c*) To review terms of reference for an independent external performance review of the investments of the Fund;

X

Diversification of investments of the United Nations Joint Staff Pension Fund

Recalling its resolutions 36/119 A to C of 10 December 1981,

1. *Recognizes* that the Fund's policy of broad diversification of its investments by currency, types of asset classes and geographical areas continues to be the most reliable method of reducing risk and improving returns over long periods of time;

2. *Reaffirms* paragraph 3 of section VIII of its resolution 55/224;

3. *Also reaffirms* the policy of diversification of the investments of the Fund across geographical areas, wherever this serves the interests of the participants and beneficiaries of the Fund, in accordance with the four criteria of safety, profitability, liquidity and convertibility;

4. *Requests* the Secretary-General to continue to report on this matter to the General Assembly at its fifty-ninth session.

78th plenary meeting
20 December 2002

Annex

Amendments to the Regulations of the United Nations Joint Staff Pension Fund

Article 21
Participation

Add the following new paragraph (*c*):

"(*c*) Notwithstanding the provisions of (*b*) above, a participant is deemed to have separated when he or she has completed (i) a consecutive period of three years on leave without pay without concurrent contributions having been paid in accordance with article 25 (*b*), or (ii) four years under the conditions described in (i) above within a total period of five years. To re-enter the Fund, such former participant would have to satisfy the requirements for participation set out in (*a*) above."

Article 28
Retirement benefit

In paragraph (*g*), subparagraph (iii), replace the number "300" with the number "1,000".

Article 30
Deferred retirement benefit

In paragraph (*c*), replace the number "300" with the number "1,000".

Article 34
Widow's benefit

In paragraph (*f*), replace the number "200" with the number "600".

General Assembly

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Fifty-seventh session
Agenda item 122

Resolutions adopted by the General Assembly

[*on the report of the Fifth Committee (A/57/604)*]

57/287. Report of the Secretary-General on the activities of the Office of Internal Oversight Services

A

REPORTS OF THE OFFICE OF INTERNAL OVERSIGHT SERVICES

The General Assembly,

Recalling its resolutions 48/218 B of 29 July 1994 and 54/244 of 23 December 1999,

Having considered the following reports of the Office of Internal Oversight Services:

(*a*) Report on the inspection of programme management and administrative practices in the Office for Drug Control and Crime Prevention,[1]

(*b*) Report on the investigation into allegations of misconduct and mismanagement of the "boat project" at the Office for Drug Control and Crime Prevention,[2]

(*c*) Report on the inspection of the administrative and management practices of the United Nations Office at Nairobi,[3]

(*d*) Report on the investigation into allegations of refugee smuggling at the Nairobi Branch Office of the Office of the United Nations High Commissioner for Refugees,[4]

(*e*) Report on the audit of the private sector fund-raising activities of the Office of the United Nations High Commissioner for Refugees,[5]

(*f*) Report on the update of oversight activities concerning the oil-for-food programme and the United Nations Compensation Commission,[6]

(*g*) Report on the inspection of programme management and administrative practices in the Department for Disarmament Affairs,[7]

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[1] See A/56/83.
[2] See A/56/689.
[3] See A/56/620.
[4] See A/56/733.
[5] See A/56/759.
[6] See A/56/903.
[7] See A/56/817.

(*h*) Report on the post-implementation review of the Integrated Management Information System at United Nations Headquarters,[8]

(*i*) Report on the inspection of programme management and administrative practices in the Economic Commission for Latin America and the Caribbean,[9]

(*j*) Report on the audit of the policies and procedures for recruiting staff for the Department of Peacekeeping Operations,[10]

1. *Takes note* of the reports of the Office of Internal Oversight Services listed above;

2. *Requests* the Secretary-General to conduct, through the Office of Internal Oversight Services, a further audit of the policies and procedures for recruiting staff of the Department of Peacekeeping Operations and to submit a report thereon to the General Assembly for its consideration at its resumed fifty-eighth session.

78th plenary meeting
20 December 2002

B

Enhancing the internal oversight mechanisms in operational funds and programmes

The General Assembly,

Recalling paragraph 11 of its resolution 48/218 B of 29 July 1994 and paragraph 15 of its resolution 54/244 of 23 December 1999,

Recalling also its resolution 55/259 of 14 June 2001,

Having considered the updated report of the Secretary-General on enhancing the internal oversight mechanisms in operational funds and programmes,[11]

Having also considered the report of the Secretary-General containing updated views on enhancing the internal oversight mechanisms in operational funds and programmes,[12] submitted pursuant to paragraph 2 of resolution 55/259,

1. *Takes note* of the recommendations contained in the report of the Secretary-General,[11] and reaffirms the prerogatives of the funds and programmes to decide their own oversight mechanisms and their relationship with the Office of Internal Oversight Services;

2. *Requests* the Secretary-General to submit to the General Assembly recommendations of the Office of Internal Oversight Services that require its approval prior to their implementation.

78th plenary meeting
20 December 2002

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[8] See A/56/879.
[9] See A/56/930.
[10] See A/57/224.
[11] A/55/826 and Corr.1.
[12] A/56/823.

United Nations A/RES/57/288

General Assembly

Distr.: General
12 February 2003

Fifty-seventh session
Agenda item 124

Resolution adopted by the General Assembly

[*on the report of the Fifth Committee (A/57/654)*]

57/288. Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

The General Assembly,

Taking note of the reports of the Secretary-General, namely the first performance report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 for the biennium 2002–2003,[1] the report on the financial performance of the International Tribunal for the Former Yugoslavia for the period from 1 January to 31 December 2001,[2] the comprehensive report on the results of the implementation of the recommendations of the Expert Group to Conduct a Review of the Effective Operation and Functioning of the International Tribunal for the Former Yugoslavia and the International Tribunal for Rwanda,[3] as well as the related report of the Advisory Committee on Administrative and Budgetary Questions,[4]

Recalling its resolutions 56/247 A of 24 December 2001 and 56/247 B of 27 March 2002 on the financing of the International Tribunal for the Former Yugoslavia for the biennium 2002–2003,

1. *Endorses* the conclusions and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions;[4]

2. *Takes note* of the utilization of the commitment authority authorized in its resolution 55/225 B of 12 April 2001;

3. *Requests* the Secretary-General to prepare a comprehensive report on the progress made by the International Tribunal for the Former Yugoslavia in reforming its legal aid system, particularly with regard to rationalizing the costs of defence counsel and establishing indigence, for the main part of the fifty-eighth session of the General Assembly;

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[1] A/57/480.
[2] A/57/367.
[3] A/56/853.
[4] A/57/593.

4. *Also requests* the Secretary-General to present the proposed budget for the International Tribunal for the Former Yugoslavia for the biennium 2004–2005 to the General Assembly at its fifty-eighth session in accordance with the following provisions:

(*a*) The budget should include detailed reference as to how the resources requested for the biennium will support the implementation of a sound and realistic completion strategy and the status of implementation of Board of Auditors recommendations, where relevant, with regard to specific items of proposed expenditure;

(*b*) The budget requirements for the Registry, the Office of the Prosecutor and the non-judicial, administrative functions of the Chambers should be presented in a results-based format linking objectives and inputs to expected accomplishments to be measured by indicators of achievement;

(*c*) Proposed allocations for costs for translation of documents and travel of witnesses should specify application and prior approval procedures by the Registrar to ensure they do not exceed demonstrated requirements;

(*d*) Proposals for defence costs should take into account experience to date in the revised lump-sum remuneration arrangements for defence counsel and the application of assessing contributions from defendants based on ability to pay and taking into account revised definitions of indigence and partial indigence;

(*e*) The proposed post structure for the biennium 2004–2005 should reflect reductions and shifts in requirements within the International Tribunal for the Former Yugoslavia owing to the expected completion of investigations by 2004 and, where appropriate, address any new requirements for established posts through redeployment;

5. *Concurs* with the recommendation of the Board of Auditors in paragraph 62 of its report,[5] and invites the judges of the International Tribunal for the Former Yugoslavia to give due consideration to implementing fully a system of designating defence counsel at random from a list of available lawyers established by the Registrar's office;

6. *Notes with concern* that the posts approved by the General Assembly in its resolutions 56/247 A and B for on-site audit and investigative services in the International Tribunal for the Former Yugoslavia have not been filled, and calls upon the Office of Internal Oversight Services to fill these positions without any further delay;

7. *Decides* that the financing for the unassessed expenditures incurred in 2001, in the amount of 413,600 United States dollars, shall be drawn from the unencumbered balance available in the Special Account for the International Tribunal for the Former Yugoslavia;

8. *Resolves* that, for the biennium 2002–2003, the amount of 248,926,200 dollars gross (223,169,800 dollars net), approved in its resolution 56/247 B for the budget of the International Tribunal for the Former Yugoslavia, shall be increased by 13,727,500 dollars gross (12,785,200 dollars net), for a total amount of 262,653,700 dollars gross (235,955,000 dollars net);

9. *Decides* that the increases resulting from the recosting and the establishment of one additional trial team, in the amount of 13,727,500 dollars gross (12,785,200 dollars net), shall be drawn from the unencumbered balance available in the Special Account for the International Tribunal for the Former Yugoslavia as at 31 December 2001;

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[5] See *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 5L* and corrigendum (A/57/5/Add.12 and Corr.1).

10. *Decides also* to apportion for the year 2003 the amount of 64,275,950 dollars gross (58,066,375 dollars net), including 6,863,750 dollars gross (6,392,600 dollars net), being the increase in assessments, among Member States in accordance with the scale of assessments applicable to the regular budget of the United Nations for 2003 as set out in its resolutions 55/5 B of 23 December 2000 and 57/4 B of 20 December 2002;

11. *Decides further* to apportion for the year 2003 the amount of 64,275,950 dollars gross (58,066,375 dollars net), including 6,863,750 dollars gross (6,392,600 dollars net), being the increase in assessments, among Member States in accordance with the rates of assessment applicable to peacekeeping operations for 2003;

12. *Decides* that, in accordance with the provisions of its resolution 973 (X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraphs 10 and 11 above, their respective share in the Tax Equalization Fund in the amount of 26,763,400 dollars, including the amount of 1,007,000 dollars, being the increase in the estimated staff assessment income approved for the International Tribunal for the Former Yugoslavia for the biennium 2002–2003.

78th plenary meeting
20 December 2002

Annex

Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

	Gross	*Net*
	(United States dollars)	
1. Appropriation for the biennium 2002–2003 (resolution 56/247 B)	248 926 200	223 169 800
Add:		
2. Proposed changes for the biennium 2002–2003 (revised parameters/standards and requirements for 2 additional trial teams)	14 060 300	13 053 300
Less:		
3. Recommendations of the Advisory Committee on Administrative and Budgetary Questions on the additional trial teams[a] (establishment of only one additional trial team)	(332 800)	(268 100)
4. Proposed revised appropriation for the biennium 2002–2003 (1+2–3)	262 653 700	235 955 000
Add:		
5. Unassessed expenditures in 2001[b]	413 600	-
6. Total amount to be financed (4+5)	263 067 300	235 955 000
Less:		
7. Amount to be financed from the unencumbered balance as at 31 December 2001[c] ((2–3)+5)	(14 141 100)	(12 785 200)
8. Balance to be assessed for the biennium 2002–2003 (6–7)	248 926 200	223 169 800
Less:		
9. Assessment for 2002	(120 374 300)	(107 037 050)
10. Balance to be assessed for 2003	128 551 900	116 132 750
Of which:		
11. Contributions assessed on Member States in accordance with the scale of assessments applicable to the regular budget of the United Nations for 2003	64 275 950	58 066 375
12. Contributions assessed on Member States in accordance with the scale of assessments applicable to peacekeeping operations for 2003	64 275 950	58 066 375

[a] See A/57/593.

[b] See A/57/367.

[c] See *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 5L* and corrigendum (A/57/5/Add.12 and Corr.1), chap. V, statement II (cumulative surplus of 16,371,000 dollars).

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General Assembly

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Resolution adopted by the General Assembly

[*on the report of the Fifth Committee (A/57/655)*]

57/289. Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

The General Assembly,

Having considered the reports of the Secretary-General, namely the first performance report of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 for the biennium 2002–2003,[1] the report on the financial performance of the International Tribunal for Rwanda for the period from 1 January to 31 December 2001,[2] the comprehensive report on the results of the implementation of the recommendations of the Expert Group to Conduct a Review of the Effective Operation and Functioning of the International Tribunal for the Former Yugoslavia and the International Tribunal for Rwanda,[3] the report on the long-term financial obligations of the United Nations with regard to the enforcement of sentences[4] and the report on the conditions of service for the ad litem judges of the International Tribunal for Rwanda,[5]

Having also considered the revised estimates arising in respect of Security Council resolution 1431 (2002) of 14 August 2002 on the establishment of ad litem judges in the International Tribunal for Rwanda,[6]

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[1] A/57/481 and Corr.1.
[2] A/57/368.
[3] A/56/853.
[4] A/57/347.
[5] A/57/587.
[6] A/57/482.

Having further considered the related report of the Advisory Committee on Administrative and Budgetary Questions,[7]

Recalling its resolutions 56/248 A of 24 December 2001 and 56/248 B of 27 March 2002 on the financing of the International Tribunal for Rwanda for the period from 1 January 2002 to 31 December 2003,

Taking note of Security Council resolution 1431 (2002) on the establishment of ad litem judges for the International Tribunal for Rwanda,

1. *Endorses* the conclusions and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions,[7] subject to the provisions of the present resolution;

2. *Notes with concern* that the vacancy rate at the International Tribunal for Rwanda remains at unacceptably high levels and that, by the end of 2002, the posts of Chief of Prosecution and Deputy Prosecutor will have been vacant for more than two years and nineteen months, respectively, despite information indicating that there was an abundance of qualified candidates in the region and elsewhere, and requests the Registrar of the Tribunal to ensure that the aforementioned posts are filled without further delay and to report thereon to the General Assembly no later than at its fifty-eighth session;

3. *Urges* the Secretary-General to request the Office of Internal Oversight Services to conduct a management review of the Office of the Prosecutor, paying particular attention to the problems which have arisen in filling these critical posts,[8] and to report thereon to the General Assembly no later than at its fifty-eighth session;

4. *Notes with concern* that the posts approved by the General Assembly in its resolutions 56/248 A and B for on-site audit and investigative services in the International Tribunal for Rwanda have not been filled, and calls upon the Office of Internal Oversight Services to fill those positions without any further delay;

5. *Takes note* of the report of the Secretary-General on the long-term financial obligations of the United Nations with regard to the enforcement of sentences,[4] on the understanding that future budgetary requests on enforcement of sentences will be considered on a case-by-case basis, taking into account legal, administrative and financial justification provided in support of each request;[9]

6. *Affirms* that it would be appropriate for the United Nations to bear the immediate costs arising from providing prisoners serving sentences imposed by the International Tribunal for Rwanda with a regime of imprisonment that is consistent with those outlined in paragraph 17 of the report of the Secretary-General;[4]

7. *Invites* the Security Council to address uncertainties arising from issues identified in paragraphs 8, 42 and 43 of the report of the Secretary-General[4] and to provide guidance on possible amendments to the statute of the International Tribunal for Rwanda;

8. *Requests* the Secretary-General to report to the General Assembly at its fifty-eighth session on these issues, including the consideration of the Security Council;

9. *Also requests* the Secretary-General, as an ad hoc and interim measure, to charge the costs related to the needs arising with regard to the enforcement of sentences within presently appropriated resources before the end of the biennium 2002–2003;

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[7] A/57/593.

[8] Ibid., para. 13.

[9] Ibid., para. 41.

10. *Further requests* the Secretary-General, in full cooperation with the International Tribunal for Rwanda, to ensure that due consideration is given in all future budget proposals for the Tribunal to the provision of resources to facilitate the enforcement of sentences;

11. *Requests* the Secretary-General to ensure adequate oversight of prison facility upgrade projects and the subsequent maintenance of minimum international prison standards where those maintenance costs are borne by the United Nations;

12. *Also requests* the Secretary-General to continue to assess the accuracy of the cost estimates proposed in his report on the enforcement of sentences,[4] to report thereon to the General Assembly at its fifty-eighth session, and to keep the cost estimates under periodic review;

13. *Urges* the International Tribunal for Rwanda to continue to consult closely with the International Tribunal for the Former Yugoslavia in the development and implementation of its own completion strategy;

14. *Requests* the Secretary-General to prepare a comprehensive report on the progress made by the International Tribunal for Rwanda in reforming its legal aid system for consideration by the General Assembly at the main part of its fifty-eighth session;

15. *Also requests* the Secretary-General to submit to the General Assembly at its fifty-eighth session the proposed budget of the International Tribunal for Rwanda for the biennium 2004–2005, which should include the following elements:

(*a*) The budget should include detailed information as to how the resources requested for the biennium will support the development of a sound and realistic completion strategy and the status of implementation of Board of Auditors recommendations, where relevant, with regard to specific items of proposed expenditure;

(*b*) The budget requirements for the Registry, the Office of the Prosecutor and the non-judicial, administrative functions of the Chambers should be presented in a results-based format linking objectives and inputs to expected accomplishments to be measured by indicators of achievement;

(*c*) Revised arrangements for preventing overexpenditures by defence counsel and for managing, monitoring and controlling the expenses of the legal aid system of the International Tribunal for Rwanda should be included in support of proposals for defence costs, including a full definition and establishment of quantitative criteria for determining indigence and partial indigence based on, inter alia, the defendants' circumstances and ability to pay;

(*d*) Proposed allocations for costs for travel of investigators should be supported by those procedures implemented by the Registrar in order not to exceed requirements;

(*e*) The proposed post structure for the biennium 2004–2005 should reflect reductions and shifts in requirements within the International Tribunal for Rwanda owing to the expected completion of investigations by 2003 and, where appropriate, address any new requirements for established posts through redeployment;

16. *Further requests* the Secretary-General to consider the introduction, wherever feasible, in the International Tribunal for Rwanda of all measures undertaken in the International Tribunal for the Former Yugoslavia that have proved effective with regard to controlling administrative costs, including maintaining efficient administrative and managerial functions;

17. *Approves* the additional resources for the International Tribunal for Rwanda for 2003 as recommended by the Advisory Committee, except that the staffing complement

shall be reduced by four posts, and requests the Secretary-General to report on the use of ad litem judges and their impact in the second performance report for the biennium 2002–2003;

18. *Requests* the Secretary-General to ensure that optimum use is made of ad litem judges, following their introduction, to increase the number of court sessions and extend scheduled working hours;

19. *Decides* that the financing for the unassessed expenditures incurred in 2001, in the amount of 2,664,500 United States dollars gross (1,880,000 dollars net), shall be drawn from the unencumbered balance in the Special Account for the International Tribunal for Rwanda;[10]

20. *Resolves* that, for the biennium 2002–2003, the amount of 197,127,300 dollars gross (177,739,400 dollars net), approved in its resolution 56/248 B for the budget of the International Tribunal for Rwanda, shall be adjusted by the amount of 4,657,600 dollars gross (4,254,100 dollars net) arising for ad litem judges in respect of Security Council resolution 1431 (2002) for a total amount of 201,784,900 dollars gross (181,993,500 dollars net);

21. *Authorizes* the Secretary-General to enter into commitments, where necessary, in an amount not to exceed 2,177,700 dollars gross (879,200 dollars net) for the resource requirements of the International Tribunal for Rwanda to support the re-costing of resources for the biennium 2002–2003, and requests the Secretary-General to report on the impact thereof in the context of the second performance report for the biennium;

22. *Decides* to apportion for the year 2003 the amount of 53,047,600 dollars gross (47,759,100 dollars net), including 5,202,750 dollars gross (4,521,450 dollars net), being the increase in assessments among Member States in accordance with the scale of assessments applicable to the regular budget of the United Nations for the year 2003 as set out in its resolutions 55/5 B of 23 December 2000 and 57/4 B of 20 December 2002;

23. *Decides also* to apportion for the year 2003 the amount of 53,047,600 dollars gross (47,759,100 dollars net), including 5,202,750 dollars gross (4,521,450 dollars net), being the increase in assessments among Member States in accordance with the rates of assessment applicable to peacekeeping operations for the year 2003;

24. *Decides further* that, in accordance with the provisions of its resolution 973 (X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraphs 22 and 23 above, their respective share in the Tax Equalization Fund in the amount of 19,791,400 dollars, including 403,500 dollars, being the increase of the estimated staff assessment income approved for the International Tribunal for Rwanda for the biennium 2002–2003.

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[10] See *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 5K* and corrigenda (A/57/5/Add.11 and Corr.1–3), chap. V, statement II (cumulative surplus of 5,507,000 dollars).

Annex

Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

	Gross	*Net*
	(United States dollars)	
1. Appropriation for the biennium 2002–2003 (resolution 56/248 B)	197 127 300	177 739 400
Add:		
2. Projected changes for the biennium 2002–2003 (revised parameters/standards and requirements for defence counsel)[a]	2 177 700	879 200
3. Proposal for ad litem judges[b]	5 060 100	4 605 400
(*a*) Recommendations of the Advisory Committee on Administrative and Budgetary Questions on ad litem judges[c]	(282 100)	(245 500)
(*b*) Recommendations of the Fifth Committee	(120 400)	(105 800)
4. Proposed revised appropriation for the biennium 2002–2003 [1+2+3 -(3(*a*)+3 (*b*))]	203 962 600	182 872 700
Less:		
5. Recommendations of the Advisory Committee on Administrative and Budgetary Questions on projected changes as contained in the first performance report for the biennium 2002–2003 – commitment authority[d]	(2 177 700)	(879 200)
6. Total amount to be financed (4–5)	201 784 900	181 993 500
Less:		
7. Assessment for 2002	(95 689 700)	(86 475 300)
8. Balance to be assessed for 2003	106 095 200	95 518 200
Of which:		
9. Contributions assessed on Member States in accordance with the scale of assessments applicable to the regular budget of the United Nations for 2003	53 047 600	47 759 100
10. Contributions assessed on Member States in accordance with the scale of assessments applicable to peacekeeping operations for 2003	53 047 600	47 759 100

[a] See A/57/481 and Corr.1.

[b] See A/57/482.

[c] See A/57/593.

[d] See paragraph 21 of the present resolution.